

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

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| JOHN CHRISTOPHER BARLETTA, | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | Case No. 3:10-cv-939 (AVC) |
| | : | |
| ANGEL QUIROS, et al., | : | |
| Defendants. | : | |

MAGISTRATE'S RULING ON PLAINTIFF'S MOTION TO COMPEL [Doc. #58]

In this civil rights action, plaintiff John Christopher Barletta ("Barletta") alleges that the defendants have discriminated against him based on his religious beliefs by denying him his property, issuing a disciplinary report for gang involvement, and sending him to administrative segregation. The claims concern the time period after June 22, 2009, when the plaintiff returned to Connecticut after being housed out-of-state for nine years.

Barletta has filed a motion to compel responses to production requests seeking: (1) a complete list of all known gang identifiers; (2) his entire master file; (3) his entire mental health file; (4) medical records and photographs from 2000-2001; (5) printed and audio transcripts of an August 17, 2010 phone call; (6) the defendants' employment records; and (7) all grievances he

filed. In a letter to Barletta, the defendants object to many of these requests as irrelevant or immaterial to the case. For example, medical records from 2000-01, mental health records and the majority of Barletta's master file appear unrelated to the discrete claims asserted in this action. In addition, the defendants object to disclosure of personnel records and gang identifiers on the grounds of safety and security. See Doc. #58 at 5-6. In response, Barletta wrote a disrespectful letter demanding all of the requested items. See Doc. #58 at 7-8.

Rule 37, D. Conn. L. Civ. R., requires that, before filing a motion to compel, the moving party must confer with opposing counsel in a good faith effort to resolve the dispute. The purpose of this rule is to encourage the parties to resolve discovery disputes without court intervention. See Hanton v. Price, No. 3:04cv473(CFD), 2006 WL 581204, at *1 (D. Conn. Mar. 8, 2006). If discussions are not successful, the party moving to compel must submit an affidavit certifying the attempted resolution and specifying which issues were resolved and which remain. In his affidavit, Barletta fails to demonstrate a good faith effort to resolve any of the discovery. Instead, he demands all documents originally requested.

In addition, Rule 37(b)1 requires any discovery motion to be accompanied by a memorandum of law "contain[ing] a concise statement of the nature of the case and a specific verbatim listing

of each of the items of discovery sought or opposed, and immediately following each specification shall set forth the reason why the item should be allowed or disallowed." Copies of the discovery requests must be included as exhibits. Although Barletta lists the items of discovery in his affidavit and motion, he has not has attached a copy of production request nor submitted the required memorandum explaining why each item sought is necessary for prosecution of this case.

Because Barletta has not complied with the requirements of Local Rule 37, the motion to compel [Doc. #58] is **DENIED**.

SO ORDERED this 15th day of December 2011, at Hartford, Connecticut.

/s/ Thomas P. Smith
Thomas P. Smith
United States Magistrate Judge